

SERVICE DATE – LATE RELEASE MAY 12, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34666

COLUMBUS AND GREENVILLE RAILWAY COMPANY–ACQUISITION AND
OPERATION EXEMPTION–LINE OF CITY OF GREENWOOD, MS

Decided: May 12, 2005

On March 23, 2005, Columbus and Greenville Railway Company (C&G), a Class III rail carrier, filed a verified notice of exemption under 49 CFR 1150.41 to acquire from the City of Greenwood (City) and operate approximately 2.99 miles of newly constructed bypass rail line, extending from C&G milepost 113.59 to C&G milepost 116.57, in Leflore County, MS. Notice of the exemption was served and published in the Federal Register (70 FR 20963) on April 22, 2005.

On March 30, 2005, Morris Recycling, Inc. (Morris) filed petitions to stay and to revoke the transaction. On April 8, 2005, C&G responded. On April 14, 2005, Morris filed a petition for leave to file a reply and a reply to C&G's reply and included a copy of discovery requests that it served on C&G on or about April 1, 2005.¹ On April 18, 2005, C&G filed a motion to quash discovery, to which Morris replied on April 20, 2005, and a motion to deny Morris' request to submit a reply to a reply. On May 3, 2005, Morris filed a motion to compel C&G to respond to its first set of discovery requests, and a request for an extension of the deadline for filing a supplement to its petition to revoke.

On May 11, 2005, Morris filed a motion for expedited consideration of its request for an extension of the filing deadline for its supplement to its petition to revoke. Morris states that the Board's rules at 49 CFR 1121.2 require that its supplement to its petition to revoke be filed by May 16, 2005, which is 45 days from the date it filed its initial petition to revoke. Morris indicates that, because C&G has not as yet responded to its discovery request, it may not be able to submit its supplemental petition by the 45-day deadline. On May 12, 2005, C&G filed a reply opposing the extension request and responding to the motion to compel.

Good cause exists to toll the deadline for Morris to file a supplemental petition to revoke. The Board is in the process of addressing the discovery matters raised by the parties. The Board will issue a separate decision resolving those matters and setting times for future filings, including Morris' supplemental petition.

¹ By letter dated April 12, 2005, Morris granted C&G an extension until May 2, 2005, to respond to the discovery requests. Morris submitted a copy of its letter doing so with its May 11, 2005 filing.

It is ordered:

1. The deadline for Morris to file a supplemental petition to revoke in this proceeding is tolled.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary